

FILE COPY

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE APPLICATION	:	
FOR THE REAL ESTATE SALESPERSON'S	:	FINAL DECISION
LICENSE FOR	:	AND ORDER
	:	LS9407282REB
JAMES H. KIRCHMAN,	:	
APPLICANT.	:	

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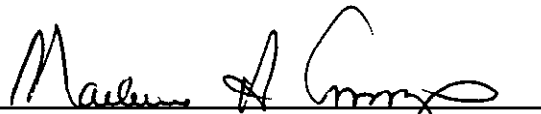
The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 14th day of October 1994.

  
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Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE APPLICATION	:	
FOR THE REAL ESTATE SALESPERSON'S	:	
LICENSE FOR	:	PROPOSED DECISION
	:	CASE NO. LS940728REB
JAMES H. KIRCHMAN,	:	
APPLICANT.	:	

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TO: James H. Kirchman  
4312 Melody Lane #207  
Madison, WI 53704

Department of Regulation and Licensing  
1400 E. Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

Attorney Charles J. Howden  
Department of Regulation and Licensing  
Division of Enforcement  
1400 E. Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

PROCEDURAL HISTORY

This Class I proceeding denying the application of James H. Kirchman for a real estate salesperson's license was commenced by the filing of a Notice of Hearing on July 25, 1994. Pursuant to that notice, a hearing was scheduled for October 6, 1994. However, no hearing was held as Mr. Kirchman withdrew his request for one by a letter dated September 29, 1994.

Based upon the entire record in this matter, the Administrative Law Judge recommends that the Department adopt the following findings of fact, conclusions of law, and order as its Final Decision in this matter.

FINDINGS OF FACT

1. James H. Kirchman's mailing address is 4312 Melody Lane, #207, Madison, Wisconsin 53704. Mr. Kirchman applied to the Department for a real estate salesperson's license on March 30, 1994.

2. On June 6, 1994, Cletus Hansen denied that application on behalf of the Department due to Mr. Kirchman's failure to disclose a 1988, misdemeanor conviction for possession of a controlled substance, and also because Mr. Kirchman had two criminal convictions related to illegal drug use.
3. A hearing on the issue of whether to uphold the Department's license denial which was sought by Mr. Kirchman was scheduled, but not held.
4. Mr. Kirchman withdrew his request for a hearing by a letter dated September 29, 1994.

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter pursuant to ss. 452.03, Stats.

#### ORDER

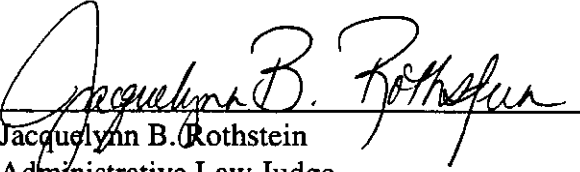
NOW, THEREFORE, IT IS ORDERED that because James H. Kirchman has withdrawn his request for a hearing regarding his denial of licensure, this proceeding is hereby dismissed with prejudice.

#### OPINION

The file in this case indicates that James H. Kirchman was denied a real estate salesperson's license for the reasons set forth in Paragraph 2 of the Findings of Fact. He thereafter requested a hearing upon the Department's denial decision. Subsequent to the Notice of Hearing, Mr. Kirchman requested that the hearing be canceled because he was pursuing other employment. His request is hereby granted and the matter is therefore dismissed with prejudice. Further proceedings on the matter are time-barred.

Dated at Madison, Wisconsin this 6th day of October, 1994.

Respectfully submitted,

  
Jacquelyn B. Rothstein  
Administrative Law Judge

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

OCTOBER 20, 1994.

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### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)